The Hon. A. F. GRIFFITH replied:

Yes. The House will not sit during next week. On Thursday I will move for the adjournment of the House until Tuesday, the 1st October.

QUESTIONS (8): ON NOTICE

USED PRODUCE CONTAINERS

Fumigation

1. The Hon. G. W. BERRY asked the Minister for Mines:

(1) Are all secondhand cases containing produce or other goods fumigated in Perth before being despatched back to Carnarvon?

(2) Can used bulk containers be returned to Carnarvon for transport of produce provided they have been fumigated?

The Hon. A. F. GRIFFITH replied:

(1) No.

(2) With the exception of bulk containers previously used for bananas, there are no controls on the return of other used bulk containers to Carnarvon. The return of used banana containers to Carnarvon is prohibited.

SHEEP EXPORTS

Freight Costs, Types, and Price

2. The Hon. C. E. GRIFFITHS (for The Hon. C. R. Abbey) asked the Minister for Mines:

With regard to the export of live sheep to (a) Kuwait, and (b) Singapore, will the Minister obtain information in respect of the following categories:—

(a) cost of freight and handling charges from Port of Fremantle to destination;

(b) type of wethers required;

(c) price received by importers per head?

The Hon. A. F. GRIFFITH replied:

(a) Kuwait:

These are transported by charter vessel and animals are bought f.o.b. Fremantle.

Singapore:

Freight—$4.00.
Fodder—0.26c.
Inspection and wharfage—0.3c.

(b) Approximately 130 lb. live weight. Three years old and upwards for both markets.

(c) This information is not known.

NEW SCHOOLS

Advice on Designs

3. The Hon. R. F. CLAUGHTON asked the Minister for Mines:

(1) To what extent are practising teachers or their professional organisation invited to contribute their experience towards the design of projected new schools?

(2) Is any attempt made to collect, collate, and evaluate criticisms and suggestions for improvement by teachers on the functional value of the design of new schools?

The Hon. A. F. GRIFFITH replied:

(1) The Education Department, through specially constituted committees and by invitation to specialist teachers, determines the educational requirements for projected new schools. These requirements are then discussed with the architects with a view to having them incorporated in the design of the buildings.

(2) The department, through its superintendents, seeks the opinions of teachers on the design and effectiveness of school buildings. The opinions expressed are collated and recorded for consideration in future buildings.

MITCHELL FREEWAY

Safeguards

4. The Hon. J. DOLAN asked the Minister for Mines:

With reference to part (2) of my question on the 11th September, 1968, and the answer thereto, I now ask—

(a) Is not this area Class "A" reserve vested in the care of the Joint House Committee of the Parliament?

(b) If so, who was responsible for the answer I received?

The Hon. A. F. GRIFFITH replied:

(a) Yes.

(b) The Minister for Works on the advice of the Main Roads Department.

KING'S PARK

Development Plans

5. The Hon. J. M. THOMSON asked the Minister for Mines:

Will the Minister obtain and lay on the Table of the House plans and related reports for the development of King's Park concerning—

(a) work currently being carried out;

(b) any work which is to be put in hand in the near future;

(c) any work in the planning stage not covered in (b); and

(d) the overall long-term developmental scheme?

The Hon. A. F. GRIFFITH replied:

The King's Park Board's second five-year plan is submitted for tabling for seven days in order that the honourable member may be informed of proposals, which are under current consideration, for further development of King's Park.

The work currently being carried out is road work and parking area financed from traffic fees and other necessary maintenance.

Priorities are being considered in relation to the second five-year plan in the following order:—

(a) Additional public lavatories and staff changerooms.

(b) Extension of water supplies.

(c) Expansion of botanical and reafforestation activities.

(d) Wildlife sanctuary.

The plan was tabled for seven days.

STANDARD GAUGE RAILWAY

Stopping Places

6. The Hon. N. E. BAXTER asked the Minister for Mines:

(1) When the standard gauge railway is used for passenger transport, will the scheduled stopping places of the Kalgoorlie express be the same as they have been on the narrow gauge line?

(2) If the answer to (1) is "No," has it been decided where the stopping places will be, or will the train only stop when required, to pick up or put down passengers?

The Hon. A. F. GRIFFITH replied:

(1) No.

(2) All intrastate trains between Perth and Kalgoorlie will be tabled to stop at the following stations:—

Toodyay.
Northam.
Grass Valley.
Meckering.
Cunderdin.
Tammin.
Kellerberrin.
Doodlakine.
Hines Hill.
Merredin.
Burracoppin.
Bodaliin.
Moorine Rock.
Southern Cross.
Koolyanobbing.
Bonnie Vale.

FITZGERALD SCHOOL

Cause of Fire

7. The Hon. R. F. HUTCHISON asked the Minister for Mines:

(1) Was the fire which destroyed the school at Fitzgerald due in any way to the use of strawboard in the construction of this school?

(2) Was this strawboard made more dangerous in conjunction with the heating apparatus used at the school?

The Hon. A. F. GRIFFITH replied:

(1) and (2) The subject of the fire at the Fitzgerald School is still in the hands of the coroner. It is therefore considered that answers to these questions should be delayed until such time as the coroner's action is complete.

SHIPPING

Service to Onslow

8. The Hon. H. C. STRICKLAND asked the Minister for Mines:

In order to avoid further chaos, worry, and expense to traders at Onslow and producers in the Ashburton district, will the Government give urgent attention to the provision of a regular shipping service to that port and put a stop to the cancellation of scheduled sailings which cause great difficulties to the firms concerned?

The Hon. A. F. GRIFFITH replied:

The service has provided for calls at Onslow in its schedule of weekly sailings issued June, 1968, for the period to December, 1969. However, cargoes for that port have dwindled considerably; on occasions to as low as 10 tons.

At the end of August the Onslow agent was advised that unless there was a substantial increase in cargo offering the service would have to consider calling only on a fortnightly basis.

As to cancellation of calls which have occurred, ample forward advice has always been given of intention to omit. Response from Onslow, subsequent to these advices, has not been received requesting reconsideration of the decision to omit.

BILLS (3): THIRD READING

1. Justices Act Amendment Bill.

Bill read a third time, on motion by The Hon. A. F. Griffith (Minister for Justice), and transmitted to the Assembly.

2. Metropolitan Water Supply, Sewerage, and Drainage Act Amendment Bill.
3. Superannuation and Family Benefits Act Amendment Bill.

Bills read a third time, on motions by The Hon. L. A. Logan (Minister for Local Government), and passed.

CRIMINAL CODE AMENDMENT BILL

Report

Report of Committee adopted.

THE WEST AUSTRALIAN TRUSTEE EXECUTOR AND AGENCY COMPANY LIMITED ACT AMENDMENT BILL

Second Reading

THE HON. A. F. GRIFFITH (North Metropolitan—Minister for Justice) [4.49 p.m.]: I move—

That the Bill be now read a second time.

I received a joint request from the West Australian Trustee Executor and Agency Company Limited and the Perpetual Executors, Trustees and Agency Company (W.A.) Limited to have their respective Acts reprinted. On examination it was found that in the case of the Western Australian Trustee Executor and Agency Company Limited the amending Act of 1923 was unfortunately not drafted in such a way as to permit of all the amendments to the principal Act made thereby being incorporated in a reprint.

This very small Bill is therefore necessary to enable the Act to be reprinted. The amendments now proposed are only formal and will not affect the substance of the Act in any way, but will allow for it to be reprinted. The Act relating to the other company is quite all right and a reprint of that Act will take place.

THE HON. W. F. WILLESEE (North-East Metropolitan—Leader of the Opposition) [4.51 p.m.]: Mr. President, the Bill is so simple that in my opinion it is quite logical to allow it to pass through the House immediately. My only query is that I would like to know who will pay for the reprinting?

THE HON. A. F. GRIFFITH (North Metropolitan—Minister for Justice) [4.52 p.m.]: Mr. President, I have been taken by surprise. I only hope that all the other Bills which are introduced during the remainder of the session will receive the same sort of support.

Normally the Government pays for reprints. I suppose I could ask the companies to pay; but bearing in mind that it is in the public interest for this Act and the Act of the other company to be reprinted so that they may be available to all persons who find cause to use them, I regard it as being not unreasonable that the Crown should pay for the reprinting.

Question put and passed.

Bill read a second time.

In Committee, etc.

Bill passed through Committee without debate, reported without amendment, and the report adopted.

HOUSING LOAN GUARANTEE ACT AMENDMENT BILL

Second Reading

Debate resumed from the 11th September.

THE HON. W. F. WILLESEE (North-East Metropolitan—Leader of the Opposition) [4.54 p.m.]: The Act which this Bill seeks to amend was brought before Parliament in October, 1957, under the title of the Housing Loan Guarantee Bill. Since then it has been amended from time to time and has continued to operate to the extent that the Treasury has guaranteed some $14,100,000 since the 1st July, 1959. From these guarantees 2,079 homes have been built. The passing of the legislation will give the opportunity to increase the ratio of homes built under this type of loan.

When the parent legislation was introduced by the then Minister, he was most enthusiastic about it and said that it would be the provider of one of the broadest and most generous housing schemes in the world at that time. The legislation has a great appeal through its capacity to deal with people, irrespective of their income.

The essence of the Bill is to amend section 7B of the Act by setting out a new formula whereby guaranteed loans can be made available. When I read the remarks made by the Minister in his introductory speech, I was surprised to find that 83 per cent. of the homes which were financed from the guaranteed funds last year were in the $8,000 to $10,000 bracket and, on that basis, they required a deposit of 20 per cent. This measure does lend itself to a particular field of home ownership. With the passage of time the increased prices for land and housing have more or less priced the cheaper home out of the orbit of the Act and this is the basic reason for the Bill being brought before us.

I do not know that it will make a great many more homes available, and I would not think for a moment that it will solve the housing problem, or anything like that. However, it does represent a slight widening of the availability of funds for this purpose and therefore warrants support.

Question put and passed.

Bill read a second time.

In Committee, etc.

Bill passed through Committee without debate, reported without amendment, and the report adopted.

POISONS ACT AMENDMENT BILL

Second Reading

Debate resumed from the 11th September.

THE HON. R. H. C. STUBBS (South-East) [5 p.m.]: The long title of the parent Act reads as follows:—

> An Act to regulate and control the Possession, Sale and Use of Poisons and other Substances; to constitute a Poisons Advisory Committee; and for incidental and other purposes.

In my opinion the amendments proposed in the Bill are in the public interest and will regulate and control the possession, sale, and use of poisons. Further, they will act as a protection for the perfectly legitimate professional man, such as a doctor, chemist, veterinarian, and other persons authorised by the Act to possess, control, sell, or use poisons; but above all, I hope the amendments will be for the protection of the public generally.

Any person who does not want to comply with the requirements of the law after these amendments are passed will certainly find any breach of the Act more difficult, unattractive, hazardous, and much more expensive. Unfortunately we have this type of person in our midst; that is, the type who is not law-abiding and who is irresponsible. In moving the second reading of the Bill the Minister used the words "drugs of addiction" and "specified drugs." All the amendments are based on these terms, and particularly on the term, "specified drugs." These drugs are subject to controls under the Police Act and the Poisons Act at present, and it is proposed that they be brought completely under the Poisons Act; a move which seems quite logical to me as the Police Act is concerned with the possession, rather than the supply of drugs.

In section 5 of the principal Act the interpretation, "specified drug" is to be deleted and the following interpretation substituted:—

> "specified drug" means any substance that is declared to be a specified drug for the purposes of this Act.

Another amendment proposes to add a new section—section 22A. This proposed new section simply deals again with "specified drugs," stipulating that any substance that was declared to be a specified drug before the passing of these amendments will continue to be a specified drug under the Poisons Act and also under the Police Act. The new section will also give the Governor power, by Order in Council, to declare any substance to be a specified drug.

The Bill also proposes to amend section (2) of section 23. The purpose of this amendment, which has relation to proposed new paragraph (ha) of subsection (2) of section 64, is to give the Commissioner of Public Health authority to revoke in whole or in part the authority conferred on any person referred to in subsection (2) of section 23. In other words, the commissioner could revoke a current license held by such a person. Previously, the commissioner had no legal right to do this.

Another amendment proposed in the Bill is to add a new subsection (5) to section 24, which section deals with licenses to sell poisons. The proposed new provision will permit the Commissioner of Public Health to impose conditions, restrictions, and limitations on the sale, supply, use, or possession of any drug set out in the seventh schedule, which appears on page 59 of the Act. Among the drugs listed in the schedule are carbon tetrachloride and thallium. From my understanding of the amendment, I would say that the restrictions to be imposed would be on the equipment used, such as that employed on aerial spraying. In such instances the drug being used could be spread far and wide to the detriment of man and animal. I can only hope that my interpretation of the amendment is on the right track.

Another clause of the Bill seeks to add a proposed new section 43A after section 43. This new provision deals with obtaining drugs by false representation, and the unlawful sale or supply of specified drugs or drugs of addiction by any person to another who is not the holder of a license, or who does not have a prescription issued by a medical practitioner or a veterinary surgeon.

As I have already mentioned, the passage which is to be added to proposed new paragraph (ha) which is to be included in subsection (2) of section 64, seeks to authorise the Commissioner of Public Health to revoke any current authority previously conferred on any person in relation to drugs of addiction and specified drugs, if such revocation is considered necessary.

The Minister stated that the Mental Health Committee and the Poisons Advisory Committee agree that hallucinogenic drugs should be controlled in the same way as drugs of addiction, and that the amendments in the Bill will achieve this object. There are 12 members of the Poisons Advisory Committee, among whom are some very eminent men holding the highest degrees in their profession. I will not weary the House by reading their names, but they are certainly men drawn from all walks of life, including veterinary surgeons, an officer from the Department of Agriculture, and a representative from the Chamber of Manufactures. The personnel of this committee appear to me to be most complete and competent. I am sure, therefore, that we can accept the advice of that committee.

"Drugs of addiction" refer to the so-called hard drugs, such as morphine, heroin, cocaine, pethidine, and many

others listed in the eighth schedule to the Act, appearing on page 60. The term "specified drugs" was instituted in order to cover the so-called lesser drugs of addiction, such as amphetamines and barbiturates. Amphetamines are potent stimulants and can be used as pep pills. A barbiturate is a derivative of barbituric acid, and is used as a potent sedative, a hypnotic pill, or a sleeping pill, which is sometimes called a "goof ball."

Amphetamines are used as a slimming drug, and I believe dexadrine, one of the sniffing drugs or inhalents, is in this category. L.S.D. is lysergic acid. I do not know what the remaining letter represents. However, following on my research I believe that this drug can be manufactured from material that can be obtained easily at any garage. So it can be seen that strict measures have to be adopted to control the manufacture and use of these drugs.

As I understand the position, any person who unlawfully uses "hard core" drugs of addiction is liable to the maximum penalty, but this is not so with specified drugs. At present L.S.D. is a specified drug and is habit forming, and the Bill will control the manufacture and use of this and other hallucinogenic drugs.

Recently I read in the newspaper where New York reported the first recorded L.S.D. murder trial. The article went on to state that a young man in a frenzy while under the influence of the drug had stabbed his mother-in-law 100 times. I would also point out that Parliaments in the Eastern States have imposed very drastic penalties, including terms of imprisonment, for the unlawful use of L.S.D. Apparently they realise the extent of the lethal power of that drug. Fortunately, I do not think it is a terrific problem in Western Australia at present, but the Minister—on good ground, I think—is closing the gate before the horse bolts.

I also read in the newspaper recently the following report:—

> Public Health Department authorities said that although L.S.D. had not yet become a problem in Perth, there was real concern on ways to prevent it becoming so.
>
> Detectives from the CIB have investigated a report of one user in Perth, but have not found anything definite.
>
> They are keeping a constant surveillance of teenage haunts.
>
> Public Health authorities said the main concern about the drug had been the discovery of some of its effects on the mind and body.
>
> They said scientists overseas had definitely established that the drug damaged or inhibited the growth of chromosomes.
>
> It could cause damage, similar to that found naturally in epileptics.
>
> The damaged chromosomes could also have the genetic effect of producing babies with deformities.
>
> Another danger was that the delayed effect of a $2 dose of LSD may occur, or repeat, up to 18 months after the drug was taken.
>
> Doctors working with the department say that claims that LSD brought clearer perception and profound self-examination to the user were false.
>
> They said the drug produced hallucinations.
>
> The director of Mental Health Services in Western Australia, Dr. A. S Ellis, said one of the main dangers of LSD was the feeling of "omnipotence" it produced.
>
> He said a user under the influence of the drug could step from a window of a tall building, feeling that he could fly; or walk through dense, fast moving traffic, feeling he was immune from injury.
>
> As a result, he said, large numbers of LSD users in America had been killed, maimed, or seriously injured.

Amphetamine can be used as a pep pill as well as a slimming pill. Many transport drivers use this type of drug, possibly to keep themselves awake when travelling long distances and for long periods of the day. I am sure I have encountered some of them whilst I have been driving on the road, because such drivers keep their vehicles in the centre of the road. Apparently they are oblivious to what is going on around them, and if any approaching driver did not take evasive action smartly he could quite easily be involved in an accident. I have another newspaper extract here, which reads as follows:—

> A common pep pill often prescribed by doctors for patients is dangerous and addictive, and its use should be restricted severely, according to a Sydney psychiatrist.
>
> The pill a stimulant whose main chemical constituent is amphetamine is prescribed to suppress the appetites of dieting women and to stimulate students and drivers.
>
> Dr. Cedric Swanton, writing in the Medical Journal of Australia, said:
>
> A tragic and increasing number of university students were becoming addicted to the pills.
>
> The pills were being peddled in university grounds.
>
> Some serious accidents were being caused by drivers intoxicated by the pills.

The C.I.B. drug squad regards amphetamine addiction as seriously as heroin addiction.

Much apparently inexplicable behaviour in young people was a result of taking the drug.

The medical profession was not fully aware of the extent of consumption and addiction to these drugs.

Widespread

Dr. Swanton wrote that the consumption of these drugs was not confined to a few local areas, as most people believed, but had recently become disturbingly widespread.

The number of students who took amphetamines during their studies was incredible.

Only recently, in this State, a youth went berserk when his car became bogged. He had drunk alcohol after taking pep pills, and he certainly created havoc. I will not quote the relevant newspaper article, but he was placed on probation for two years.

Such cases point to the danger of people taking amphetamines and barbiturates. In America a Bill was introduced to prevent the illegal traffic in amphetamines or pep pills, and barbiturates or "goof balls." The chairman of the subcommittee that was appointed to investigate juvenile delinquency in that country said, "I refer to the staggering amount of psychotoxic drugs that are diverted every year into illegal channels, millions of which end up in the nation's youth." We can only hope, at the present, that this Bill will prevent such happenings in Western Australia. The chairman of this subcommittee went on to say—

> I reported in 1961 that in the year 1960 drug companies produced 5¾ billion capsules of "barbiturates" and 4 billion tablets of "amphetamine" drugs.

He also said—

> During the last five years the illegal use of the billions of these "pills" has reached epidemic proportions and revealed the following picture:—
>
> The illegal use of these drugs is increasing at a fantastic rate among juveniles and young adults.
>
> The use of these drugs has a direct casual relationship to increased crimes of violence.
>
> The use of these drugs is replacing in many cases the use of "hard" narcotics, such as "opium," "heroin" and "cocaine."
>
> The use of these drugs is more and more prevalent among white-collar youths who have never had prior delinquency records.
>
> The use of these drugs is increasingly identified as causes of sex crimes.

When speaking to the Bill that was introduced in America, the chairman of the subcommittee said, "This Bill tightens acknowledged inadequacies."

I think this Bill will do just that. We do not want the wholesale use of drugs that is practised in other countries. I am certain the Bill will tighten up the Act and make it more difficult for any illegal traffic in drugs to continue. Before I conclude, I would like to quote an extract from a book I read recently. It is very interesting in making reference to the drug and pill-taking man. It reads as follows:—

> Modern man ends up a vitamin-taking, antacid-consuming, barbiturate-sedated, aspirin-alleviated, benzedrine-stimulated, psychosomatically diseased, surgically despoiled animal. Nature's highest product, turns out to be a fatigued, peptic-ulcerated, tense, headachy, overstimulated, neurotic, tonsilless creature.

I have much pleasure in supporting the Bill as I think it can only be in the public interest and will do much good. It will be a deterrent to those who desire to break the law regarding drugs.

THE HON. G. C. MacKINNON (Lower West—Minister for Health) [5.15 p.m.]: I would like to thank Dr. Hislop and Mr. Stubbs for their comments. In relation to what Dr. Hislop had to say the other night about banning, or having tighter control over the sale of certain medicines and drugs, I would like to repeat what I have said outside the House, that I do not really believe the banning of these drugs is the ultimate act. However, this has to be done because there are some people in the community who are so easily led. Everywhere we go nowadays we hear many arguments about the rights of the individual and the responsibilities of the individual; yet solid citizens who are in positions of authority and trust are constantly calling for tighter controls in more directions.

I agree with Mr. Stubbs that this Bill is in the public interest. A number of the drugs he mentioned are regarded with some distaste by the ordinary citizen, yet they are all good and useful drugs in the right place. It is their misuse which causes so much trouble in the community, in so many ways, many of which were enumerated by Mr. Stubbs. With Mr. Stubbs and Dr. Hislop, I believe it is better to tighten controls before we get into any trouble; and, I am firmly convinced the House will see it this way.

Question put and passed.

Bill read a second time.

In Committee

The Deputy Chairman of Committees (The Hon. J. M. Thomson) in the Chair; The Hon. G. C. MacKinnon (Minister for Health) in charge of the Bill.

Clauses 1 to 3 put and passed.

Clause 4: Section 22A added—

The Hon. G. C. MacKINNON: I wish to point out that on page 2, line 19, the figure (2) should read (3). This misprint will be corrected by the Clerks.

Clause, as corrected, put and passed.

Clauses 5 to 8 put and passed.

Title put and passed.

Report

Bill reported, without amendment, and the report adopted.

ART GALLERY ACT AMENDMENT BILL

Receipt and First Reading

Bill received from the Assembly; and, on motion by The Hon. L. A. Logan (Minister for Local Government), read a first time.

BILLS (2): RETURNED

1. Illicit Sale of Liquor Act Amendment Bill.
2. Mental Health Act Amendment Bill.

Bills returned from the Assembly without amendment.

METROPOLITAN REGION TOWN PLANNING SCHEME ACT AMENDMENT BILL

Second Reading

Debate resumed from the 11th September.

THE HON. F. R. WHITE (West) [5.25 p.m.]: In his introductory speech on the Bill the Minister indicated that these amendments were merely of an administrative nature, designed to clarify the parent Act and to give an additional measure of security to purchasers and owners of land.

If we look at clause 3 of the Bill we will find it proposes to amend section 36 of the principal Act, which is the Metropolitan Region Town Planning Scheme Act; and, if we look at section 36, we find that the introductory note refers to sections 11 and 12 of the Town Planning and Development Act.

If we now refer to section 12 of the Town Planning and Development Act we will find that this section describes in their entirety matters relating to compensation for injurious affection of land which has been reserved under the Metropolitan Region Scheme. Members will notice that I have used the term "reserved" and not "resumed."

Proposed new subsection (2b) of section 36 of the Metropolitan Region Town Planning Scheme Act states that if the authority refuses development, then the land may be considered to be injuriously affected.

When dealing with the amending Bill before the House, one speaker referred to proposed new subsection (2b) of section 36 of the Act, which is set out in clause 3 of the Bill, and reads as follows:—

> The value of the land referred to in subsection (2a) of this section, shall be the value thereof on the date the responsible authority refuses an application . . .

This is virtually a continuation of existing policy where development of land has been refused. In the past, this particular provision, with some minor alteration, has been the policy of the department.

I will now endeavour to show that this has been the case, but before doing so, may I ask members to cast their minds back over the history of the Metropolitan Region Scheme. In 1956, an interim development order was lodged against the area of land involved in the metropolitan region; that is, land required for public purposes, such as regional open space. Members will notice I did not use the term "public open space." Land for major red roads, regional blue roads, beach reserves, and land which may be required for industry would be of a regional nature.

Subsequent to this—in 1959—the Metropolitan Region Town Planning Scheme Act came into being; and, in 1963, a scheme itself was implemented. A town planning scheme must be supported by plans and also a text. The Metropolitan Region Scheme plan and text are tabled, and the text may be considered as being the regulations which would govern the implementation of the particular plans.

I would like to refer to page 6 of the regulations of the Metropolitan Region Scheme. On this page, reference is made to the payment of compensation for land which has been affected by reservation under the scheme. Clause 20 (3) reads as follows:—

> (3 In lieu of paying compensation, the Authority may in accordance with the Scheme Act purchase the land affected by such decision of the authority at a price not exceeding—

I repeat: "not exceeding." To continue—

> —the value of the land at the time of the refusal of approval . . .

I want to emphasise the words, "the value at the time of refusal." Section 7A of the Town Planning and Development Act controls development in the metropolitan region. Section 7A, subsection (12), paragraph (b) reads as follows:—

> (b) Where compensation is claimed under paragraph (a) of this subsection, the compensation shall be determined by arbitration in accordance

with the Arbitration Act, 1895, or by some other method agreed upon by the parties and the compensation, if any, so determined shall be paid to the claimant by such public authority as the Governor deems proper; but in lieu of the payment of compensation determined under this subsection, the Authority may, at the option of the Governor, or shall at the request of the claimant purchase the land injuriously affected at a price not exceeding the value of the land at the time of the refusal of permission . . .

Here, once again, we have the self-same words dealing with the value which shall be set on the particular land. However, in the two instances to which I have referred, it is stated the price paid as compensation shall not exceed that value. It implies a lesser value may possibly be paid.

In the amending legislation before us, proposed new subsection (2b) reads—

(2b) The value of the land referred to in subsection (2a) of this section, shall be the value thereof on the date the responsible authority refuses an application made . . .

There is no suggestion that less than that value shall be paid. Therefore I feel that this amendment does give much greater protection to the owner of land which has been reserved under the Metropolitan Region Scheme.

Clause 3 of the Bill provides that if a dispute should arise between the claimant and the authority, action can be taken by means of arbitration. As has already been explained by previous speakers, that situation already exists; so once again this provision is being included to clarify the situation which exists at the moment. Paragraph (b) of clause 3 provides that compensation for injurious affection to any land is payable only once by the authority. I personally feel this is fair enough. No-one could expect to be paid a second time for the original injurious affection. Paragraph (c) of the same clause provides that once compensation is paid, a caveat shall be lodged against the title of the property so that any future purchaser will be aware that compensation has been made and therefore any subsequent negotiations with the authority will obviously involve a lesser value than may be automatically anticipated by the new owner. I believe that amendment is perfectly in order.

Clause 4 is designed to amend section 36B which covers the functions of the Board of Valuers. When I heard Mr. Willesee refer to "the board," I could only think at that time of the other authority which is covered under this Act and which is also referred to as "the board"; that is, the Town Planning Board.

I believe a certain amount of confusion may occur because of various Acts referring to different bodies as "the board." The Metropolitan Region Town Planning Scheme Act refers to "the board" which, in that particular case, is the Board of Valuers. The Town Planning and Development Act refers to "the board" which is the Town Planning Board. It is because of this situation that I believe confusion could occur.

Clause 4 is designed to give the Board of Valuers powers which it did not have originally. Under the clause the board will have the opportunity, after a period of 12 months, to review the compensation paid for a particular property, if the owner has had difficulty in selling at a reasonable price.

I repeat that I support the Minister's remarks. I believe the Bill in its entirety will help to clarify existing procedures and that it will give much greater protection to the individuals concerned—both the owners and the purchasers of land which has been reserved under the scheme. I support the Bill.

THE HON. R. THOMPSON (South Metropolitan) [5.38 p.m.]: This is another one of those simple Bills which are submitted from time to time to amend the Metropolitan Region Town Planning Scheme Act. Possibly I have been the greatest critic of this legislation since its introduction, when I said that it was illconceived legislation. I believe that the two sets of amendments we have had submitted to us—one in 1966 and this set—are also illconceived.

I believe the Minister should completely review this Act. Mr. White just pointed out how confusing it is and how confusing this Bill is. Mr. Griffiths, when he spoke last week, stated he could not see any clarity being achieved under the amending legislation. Mr. Griffiths correctly asked at what time would the valuation be fixed. He hit the nail on the head when he said that it was when the request to develop was rejected by the Metropolitan Region Planning Authority.

This is not good enough. I can give instances—and could bring the documents along to prove what I am saying—of how and when this is occurring. First of all, I will deal with some land which I have mentioned before in this Chamber and this case is a classic example. It concerns No. 26 Rockingham Road, Hamilton Hill, which consists of 11¾ acres. Subdivisional applications were submitted at least half a dozen times and were rejected on each occasion by the authority and the Town Planning Board. Eventually it was disclosed that the land was reserved for road purposes.

Here is the point which we, as members of Parliament, should study: The Act clearly states that no compensation is payable unless a plan for development is submitted. Subdivision is not development. The person in this instance had held the land for seven years waiting for permission to subdivide, but he was not allowed to do

anything with it. He could have sold it as one piece, but he could not subdivide it for development, despite the fact that it was in the midst of a residential area. He could not get permission from the Metropolitan Region Planning Authority. That is one example of maladministration on the part of the authority.

Other examples are coming to light and the last one with which I dealt concerns a half-acre of land in View Terrace, South Coogee. The owner submitted his plan for home construction to the local authority, which passed it. It then had second thoughts and decided it had better submit the plan to the authority. On doing this the authority ascertained that if the owner had constructed his house as approved by the local authority, a roadway would have been within 10 feet of his back door. This is factual.

This man had to get out of his present house although he had virtually signed a contract for the construction of the new home, and had had the plans drawn up. We got in touch with the Minister who agreed that if the local authority concurred, the owner could set his house back 15 feet instead of the necessary 30 feet. However, the owner decided that this was not what he wanted. He wanted to build a home which would not have any nearby traffic interfering with it.

A figure for compensation was submitted, and although no arbitration was necessary, five months elapsed before the owner was paid; and this is injurious affection if ever there was! However, I agree that this Bill does not deal with that situation in the true sense of the word. We are trying to clarify what procedures can be adopted when injurious affection occurs. The person to whom I have referred had to commit himself to a bank in order to get money to allow him to purchase a block of land and carry on with another building while the authority took five months to pay him.

Now we come to another area of land, and more than one block is involved. Anyone who knows Cockburn Road, or that section from Robb Jetty to Anchorage Butchers, will probably also know that in the near future a traffic bridge is to be constructed so that the road will link East Fremantle, in the vicinity of King Street, to Coogee Beach. Resumptions will be taking place in that area.

One of the landowners concerned has a small business, and he is paying 6 per cent. interest on a large sum of money which he borrowed to purchase the block of land on which he conducts his business. When he discovered that the rear portion of his property was to be reserved for the new roadway, he applied to the Metropolitan Region Planning Authority for compensation. He could not see any sense in paying 6 per cent. interest on money which he was using to purchase land, if that land was to be resumed. He thought it was quite unfair when the authority replied that as the land would not be required for at least five years, it had no intention of compensating him.

The Hon. C. E. Griffiths: That is what I have been talking about.

The Hon. R. THOMPSON: This man cannot sell his land because his business is on the front portion of it. He will not be compensated, in the true sense of the word, because he will not be able to recoup the interest he is paying. This man has not submitted a development plan, but he wants justice.

Because the fund is broke, the Metropolitan Region Planning Authority has not enough money to pay compensation. I did read that the authority had borrowed $440,000 to purchase one estate alone. The debt runs into millions of dollars. Millions of dollars more have yet to be spent on the resumptions for the northern leg of the freeway in Perth, and yet all these other resumptions are to take place, and there are threats of further resumptions. Interim development orders are placed on land, but I do not know how the land will be paid for.

To proceed, I now refer to lot 128, Shallcross Street, Spearwood. The person's name is Carboni. Evidently there are many people named Carboni because I often mention that name. In this case, the area of land was originally 10 acres, but it was subdivided into two 5-acre blocks. Then, a railway line was built to the Cockburn cement works, to comply with an agreement which we had before us in this House.

To satisfy the agreement a railway line had to be constructed from Spearwood to the Cockburn cement works, and the railway cut through the 10-acre property, which had been subdivided into two 5-acre lots. About three acres were left at the back of the block, on one side of the line, and about six acres were on the other side of the line. That property was injuriously affected, to the worst degree, because no access was left so that the owners could get to the rear portion of their property. There is no existing roadway, and no access was provided.

At the other end of the line, however, we find that where land was resumed from Mr. Meekin for the construction of the Co-operative Bulk Handling Ltd. workshops, provision was made for access to Co-operative Bulk Handling Ltd., but some three or four adjoining landowners did not have access to the rear of their properties. That has nothing to do with this Bill, but to take the matter a step further, another resumption took place on the western side of Shallcross Street for the construction of the standard gauge railway, and more land was taken from the people there. Still they had no access to

the rear portion of their properties. Wells caved in from the vibration caused by the work on the standard gauge railway, but no compensation was paid.

To cap the lot, the two Carboni brothers decided they would sell their houses, and they bought a property at Mandogalup. They went there to develop the land. They put their old property up for sale, and several people were interested in it. These prospective purchasers were prepared to accept the price asked, and although they went away saying they would come back, they were never seen again. This was because when they went to the shire they discovered that a 6-chain frontage of the property—which swallows up almost all of the property—is reserved for a future freeway extension, or a controlled-access way.

We wrote to the Metropolitan Region Planning Authority to see what could be done. The reply was that as the land was not required for another 10 years, the authority did not intend to proceed with the purchase of it. The authority sent back a form which had to be filled in to claim compensation.

I was critical of this type of legislation when it originally came before us. I do not know if all members have seen one of these forms, which contains 18 questions, or methods, or procedures which have to be adopted before one can get even part compensation for injurious affection.

One can see that this legislation is beyond the understanding of the average person. Even officers of the Metropolitan Region Planning Authority do not understand it fully. Land agents do not understand it; and unless a solicitor made a study of it I doubt that he would understand it. He would have to take it home for a couple of days, research various Acts, and try to sort out what is intended.

I have sent people to a solicitor when they have wanted legal advice. I have to refer them to one solicitor in Perth because, as far as I am concerned, only that one solicitor knows anything about the legislation. I do not like having to tell a person to go to see such and such a firm of solicitors; I like people to pick and choose their own solicitors.

I am very critical of this amending Bill because it gives nothing to anybody. It allows a purchaser to buy a property from a vendor, with an assurance that compensation has been paid for injurious affection. It could increase or decrease with the value. We know that values have decreased north of Perth, and I know that this is occurring in the East Fremantle sector where numerous homes will be resumed.

I agree that some of these homes have changed ownership, and that a small amount of compensation has been paid. However, in the main, this tends to depress valuations, and not too many people have availed themselves of this form of compensation The majority of people to whom I have spoken—people who have come to me for assistance—have asked whether the rigmarole was worth going through. Of course, the rigmarole is not worth going through! The people may as well get one valuer, themselves, because the matter can be referred to the Board of Valuers.

Unless I read out all the provisions on this form, members would not appreciate what is involved. However, it would be too wearying to read out all the details. On top of the requirements contained in this form, no money is paid out until the Board of Valuers has been paid. So, nothing is being given to the public. A person may as well engage his own valuer instead of the Board of Valuers. In most cases, the people still have to get their own valuer if they disagree and want to go to arbitration.

I have no complaints about the arbitration clause in the Bill, although I do agree with what Mr. Wise said: It is very hard to arbitrate on injurious affection. I think it would be very difficult to arbitrate on the case I mentioned concerning Carboni, where the back of his property was rendered useless because there was no physical access. Now he is faced with further resumption in 10 years' time, and he cannot sell the property. He said he might as well hang on and pay interest to the bank because he is not prepared to go through this type of procedure.

So the legislation is not acceptable to the general public. When we talk about the Metropolitan Region Scheme, naturally we have to talk about the tax which is imposed. The imposition of this tax occasioned some protest when it was initially brought to Parliament. I claimed then, as did Mr. Wise and other members, that it was a discriminatory tax because it discriminated against certain people. And this is so very true!

Only those people who come within the Metropolitan Region Town Planning Scheme—as defined by the plan—are liable for the tax, and all of those people do not have to pay the tax. I am very critical of those people who do not have to pay the tax, and I refer to those who, if they have a few fowls running on the property, or several sheep, or have a market garden, and who register as being primary producers within the meaning of the Act, are exempt from paying the tax.

On the one hand, we hear about land speculation and the high price of land. Let me refer to the area which I know best, which is Spearwood. Spearwood was a rural area only five years ago, and the owners of the land have been exempt from

tax since the inception of the legislation. However, when a town planning scheme was evolved the landowners in the area reaped the benefits. I refer to the Phoenix Park scheme which is being developed at the present time. Those people have not had to pay the tax because the area was zoned and, in the main, used for rural purposes. The price being asked for those broad acres of land—with no provision for roadways—is $12,000 an acre, and that price is being paid.

The people in the Spearwood area have never been called upon to pay the tax, but the provision relating to primary producers applies not only to that area; it applies to all areas within the bounds of the Metropolitan Region Scheme. To my mind that is unfair, because the tax is discriminatory. It is the only tax levied in Western Australia under which one section of the community benefits to the exclusion of others.

We in this House have never objected to the development of any part of Western Australia; in the long run, those who live in the metropolitan region will pay for the development of the Ord River scheme through the taxation they pay. The same will apply to the construction of the standard gauge railway and to the subsidies that are paid to those who live in country areas and who qualify for such subsidies. But in this instance a tax is levied on one section of the people simply because they live in houses and work in industry or commerce. Solicitors, doctors, and other professional people are similarly penalised. However, if one cares to falsify a document by stating that one is a primary producer one does not have to pay the metropolitan region improvement tax.

How the original legislation got through this House I do not know; and in saying that I am not casting any reflection on any present member of the House who was a member at that time. It is obvious due consideration was not given to the tax when it came before the Parliament. Why? At present the House comprises 10 members who represent the metropolitan area, and it is their constituents who pay this improvement tax. There are two other members—

The PRESIDENT: Order! The honourable member cannot reflect on the composition of this House.

The Hon. R. THOMPSON: I bow to your ruling, Mr. President. However, it gets back to the point I made earlier. This is a discriminatory tax in that metropolitan dwellers are paying for development that from time to time will be utilised by every person in this State, and for services that will be used by city people and country people alike. Everybody who comes to the city will use the facilities for which city dwellers will have to pay through the levying of this improvement tax.

The tax should be levied on a State-wide basis because in my view every person in the State should help to finance the proposed works and the resumptions that are necessary.

That brings me to the point that, as I said previously, subdivision is not development and at the present time it is an absolute fiasco to try to get compensation. This is what one has to do: If a person knows his land is reserved and he wants to be paid a fair price for it now, he has to submit plans and specifications through the local authority. I am guilty of doing this on behalf of my constituents because it is the only way in which one can get justice done.

Sitting suspended from 6.5 to 7.30 p.m.

The Hon. R. THOMPSON: At the tea suspension I was pointing out the process through which a landowner had to go—which I called a fiasco—in order to secure compensation for land which he could not sell or subdivide—even though he might want to move out of the area—because the land was reserved under the Metropolitan Region Town Planning Scheme.

The only way this can be done is for him to submit plans for the development of the area. He must therefore go to the trouble of securing plans—he can either have them drawn up or use stock plans which can be obtained from time to time. He then submits these plans to the local authority which, in turn, submits them to the M.R.P.A. The M.R.P.A. deals with the case, possibly rejects it, and sends it back to the local authority which advises the owner concerned.

The owner then goes through the process of making a request to the Metropolitan Region Planning Authority for compensation for the land, because he has complied with the Act. In some cases this takes months and months to complete; and this, when a potential home builder is trying to build a home for himself and his family.

This is the ridiculous position in which we find ourselves. We then come to the point that not always is this authority able to pay, because it is borrowing money left, right, and centre, and it has not sufficient funds coming in. I think the principle involved, as it relates to the Metropolitan Region Planning Authority, is wrong.

Land which is reserved for roads should be paid for by the Main Roads Department. The main purpose of the Metropolitan Region Planning Authority is to deal with open space. It should find the compensation necessary for land required for public open space, or land reserved for future development outside the scope of road development.

We have the spectacle of what I would like to call the F111 highway running through Perth. I do not know where the money is coming from to pay the compensation involved. I hope the Minister will be able to tell us just where the money will come from; he has not done so up to date.

The PRESIDENT: Order! Will the honourable member kindly confine his remarks to the Bill?.

The Hon. R. THOMPSON: Certainly, Sir. All the properties injuriously affected by the construction of the freeway come within the ambit of clause 4 of the Bill. It is these properties which are being devalued; where no review can be taken by the board at present. The owners cannot sell them, even if they want to do so, because of the development taking place. This is only one of the developments that are taking place. Some others are possibly 20 or 30 years away.

Ten years ago we were told, in the case of one roadway, that the land would be held for the next 15 years. The Hamilton Hill Primary School was in the path of one of these roadways, as is a saw mill and several houses. These are the people who are likely to suffer. This Bill is the third attempt in three years to try to rectify mistakes which were quite clearly pointed out at the time; we said that that measure was not all that we desired.

The Minister said, however, as dogmatically as usual, that the Bill would remedy this, that it would remedy that; that Mr. so-and-so was not talking to the Bill, and that there were misunderstandings. To understand the legislation one must take into consideration three other Acts of Parliament, one being the Public Works Act.

For the first time we are to have two sittings of Parliament in Western Australia for the one session, so there is no urgency for this Bill. The only aspect the measure can affect—and then only for a short period of time—is the question of arbitration. I do not think the Bill will receive a very good passage through this House.

I suggest to the Minister that he appoint somebody like Sir Keith Watson, who has had a great deal of experience in matters of this kind, to take evidence from members of Parliament who have run up against these problems. Evidence can be given as to the changes which are thought desirable.

Amendments are brought down year after year, and nobody seems to understand the legislation completely. I appreciate the problem that must have confronted Mr. White when, as a comparatively new member, he was trying to track down the various pieces of legislation involved in this measure.

The Hon. L. A. Logan: He did a very good job.

The Hon. R. THOMPSON: He did: the only point on which he went wrong, in my estimation, was that he supported the Bill. He would not have done so had he listened to the Minister, as I have done from time to time, because we find that when the Act is put into practice the words used by the Minister when introducing the legislation are not taken into consideration; they are completely different from the application of the Act.

I spoke on this aspect last week and pointed out that the words of the Minister were completely different from the application of the Act. It can be seen from the Bill—and I do not disagree with this—that the authority may elect to buy land by way of compensation for injurious affection.

I cannot see anything wrong with that, but I would like to know where the money is coming from. I completely disagree with proposed new subsection (3b) which is contained in paragraph (b) of clause 4. Why should a person be compelled to hold land and pay the metropolitan region improvement tax on such land for years and years, when he is not entitled to compensation for injurious affection until the land is sold? One would be a fool to buy such land, particularly in the area of the East Fremantle link road, because within five to 10 years the development will be completed and one will be left without a home.

The only person who would buy such land would be an investor, hoping that land values would go up, thus enabling him to make a profit. If the Minister is sincere in his attempts to curb speculators he would need to phrase his legislation differently.

There is further provision that a caveat shall be applied in all cases where land is reserved for the M.R.P.A., and the Bill indicates that a caveat will be placed on a person's land when portion of the compensation has been paid.

In cases where land is reserved for M.R.P.A. purposes, the owner should be advised; he should not be left in the dark as is the case at the moment. Some people buy land in all good faith; and a number of people have bought land since 1963 when this matter was first publicised. They buy such land and later learn that they are subject to restrictions. Titles involving land which is likely to be affected and reserved for M.R.P.A. purposes should be clearly marked, and each owner of such land should be notified in case he wishes to take action and obtain redress from the M.R.P.A. It is this authority which must find the money. It is not good enough that people should be left completely in the dark.

Year after year I have brought up the case of the little shop owner who is involved in the continuation of the freeway

and its intersection with Canning Highway. This woman was not allowed to develop her land, and at the same time the M.R.P.A. would not purchase it. Why? A ridiculously low valuation was placed on the property, though I believe this matter has been fixed up since. The point I am trying to make is that the value that is put on a property at the time is the value that is taken into consideration. This is not at all fair.

A person may want to develop his property and is refused permission to do so; but five or 10 years later it is taken from him for M.R.P.A. purposes. When this is done, however, the authority goes back to the initial price. This was the point made by Mr. Griffiths. In no circumstances can I support this legislation.

Debate adjourned, on motion by The Hon. J. Heitman.

NICKEL REFINERY (WESTERN MINING CORPORATION LIMITED) AGREEMENT BILL

Second Reading

THE HON. A. F. GRIFFITH (North Metropolitan—Minister for Mines) [7.47 p.m.]: I move—

That the Bill be now read a second time.

This Bill contains in its schedule an agreement between the State and instrumentalities thereof and Western Mining Corporation Ltd. As the long title of the Bill discloses, it is a Bill for an Act to approve of that agreement. This legislation has been passed in another place, where it was introduced by the Minister for Industrial Development, for apart from nickel mining and the production of nickel, the agreement is in respect of the establishment of a nickel refinery at Kwinana.

Nickel has been discovered in several countries and the major producers are Canada, New Caledonia, Cuba, and the U.S.S.R.

The discovery and development of the extensive high grade deposits at Kambalda on the eastern goldfields is of significant importance to that area. Nickel is one of the valuable metals used in the manufacture of stainless steel, high tensile alloys, electroplating, and high temperature and electrical resistance alloys.

The Western Mining Corporation is producing 13,000 tons of ore monthly. This ore is concentrated to approximately 12.5 per cent. nickel and exported at a rate of 3,500 dry long tons of concentrate a month to Japan through the port of Esperance. With the completion of a nickel refinery, however, this production will be expanded to 60,000 tons a month.

The development of this enterprise at Kambalda has given birth to a thriving new town on the eastern goldfields at a period in our history when the boost of a valuable mineral find is sorely needed to lift the hopes of a population numbering about 25,000 persons, dependent, in the main, upon mining activities for their livelihood.

The establishment of this modern and attractive township overlooking Lake Lefroy was most welcome in an area which had not experienced any substantial development for a considerable period of time. The corporation employs 470 men at Kambalda and this fact alone sparked off tremendous enthusiasm at Kalgoorlie, and we find that there is widespread activity throughout that extensive region of the State in the search for additional mineral deposits.

The Government has granted the corporation right of occupancy over an area of 527 square miles of country for the purpose of exploring for nickel and associated minerals—copper, lead, cobalt, silver, zinc, and molybdenum. Rental is at $8 per square mile for a term expiring on the 30th September, 1975. The corporation is required to reduce this area at the rate of 132 square miles per annum, commencing from the 30th September, 1972. Proof of the existence of economic deposits within this area carries a right to apply for normal mineral productive titles under the Mining Act. The corporation has already applied for 136 such productive titles.

A mineral lease granted under the Mining Act is for a term of 21 years, with a right of renewal for a further 21 years. The company will be able to apply, under the Mining Act, for a second 21-year period of renewal, thus providing a possible life of 63 years.

I should point out that the right is retained to grant gold mining leases within the reserved area to other parties, should a profitable gold deposit exist. This would apply, however, only to land comprising the reserve and not to any mineral claims granted therein.

The payment of royalty is an important aspect. In respect of all nickel products sold, the corporation is required to pay a royalty in accordance with a formula based on the ruling world price of nickel at the time of sale. The royalty equals $37 per ton of metal based on the present price of $1,860 per ton. On a realistic basis of 15,000 tons of metal per annum, the royalty would equal $560,000. The royalty rises automatically if the world price increases. It is, in effect, the value of two units, of 1/50th of a ton of nickel metal.

Provision is made for a review of royalty at the end of five years should the corporation have decided not to build a local smelter; and, in any case, the royalty will be reviewed at the end of 10 years. Royalty, in regard to any associated minerals produced, is also payable in accordance with

the general scale of royalties prescribed from time to time by regulation under the Mining Act.

The Government agrees, for a reasonable consideration, to grant the corporation such townsite lots as are required in the township of Kambalda and also special leases under the Land Act for industrial, business, and communal facilities, for which an annual rental will be charged. The corporation will have a right of purchase in fee simple of these leases when it fulfils certain building requirements.

A lease is being granted to enable the construction and use of a causeway over Lake Lefroy; and leases for normal ancillary mining purposes, such as stacking tailings and overburden, are provided for.

To enable the corporation to commence construction of a refinery and associated works as soon as possible, the parties to the agreement agreed that it should operate as from the date of its execution, except in respect of those provisions which could not operate until ratified by legislation. A Kwinana site was chosen, rather than one at Kalgoorlie or Esperance, because of the availability of sufficient quantities of good water. We would have desired, in all circumstances, to have such a refinery erected on the eastern goldfields, or on the coast at Esperance, but water was the determining factor.

I feel sure all goldfields members would have liked the refinery in another place, such as Kalgoorlie or Esperance; but this was just not practical at this point of time.

The refinery and associated works designed to produce 15,000 tons of nickel metal per annum will cost no less than $45,000,000. Work in connection with the erection of the refinery has already commenced and it is to be completed not later than June, 1971.

In the consideration of available land, it early became quite clear that a large industry could not be expected to commence establishment until assured of possession of enough land for immediate use and subsequent expansion. It was considered that, in the interests of orderly and efficient management, additional areas of land should be acquired by one authority and generally organised so that services could be constructed without complications or unnecessary delays. It was considered advisable also for the balance of land remaining, when services had been put through, to be replanned in conjunction with certain neighbouring lots to be available for ancillary or other small scale industries. These were the reasons for section 37A of the Metropolitan Region Town Planning Scheme Act being invoked.

The M.R.P.A. certifies under this section to the Minister for Town Planning that for the purpose of advancing the planning, development, and use of land within the metropolitan region, provision should be made for this particular area to be consolidated and replanned for industry. Upon accepting such recommendations, the Minister submits to the Governor for approval.

In this case, it made it possible for the M.R.P.A. to purchase the land by agreement, or failing that, to acquire under the provisions of the Public Works Act. In support of this procedure, it may be pointed out that the powers contained in the Act were designed for such logical, large-scale development and redevelopment of the metropolitan region. These provisions were formulated against a background of world-wide experience of extended delays and frustrations that can attend the consolidation into worth-while parcels of land, those held in many separate ownerships.

Private landowners in the improvement plan area were paid market values for their land. Acquisition under the provisions of the Public Works Act was carried out only as a last resort.

The method of acquisition and payment for land for the refinery at Kwinana is detailed in clause 3 of the agreement, which includes the formula on which the price to be paid by the corporation is based.

The site has been divided into Areas 1, 2, and 3, which in size are approximately 86.5 acres, 76 acres, and 64 acres respectively. These areas will be made available to the corporation in that sequence so the first stage of construction commences in Area 1. Agreement has been reached over Areas 2 and 3, subject at suitable stages to the State being agreeable that additional areas are required for the industry.

The purchase price for Area 1 and the respective purchase prices for Areas 2 and 3, should certain options be exercised, are to be calculated at a price per acre in accordance with the formula set out in paragraph 4 of clause 3 of the agreement. Briefly, this represents the cost of all land resumed or otherwise acquired, plus the value of Crown land, plus the total cost incidental to resubdivision and redevelopment. The resultant figure, in order to establish the price per acre, is divided by the total acreage of all the land included in the area, less such parts as are taken by the State for road, railway, or other public purposes. The full details of the formula for calculating the price per acre are, as I have mentioned, clearly set out in the clause.

Paragraph 5 of clause 3 of the agreement sets out that the purchase price of Area 1 shall be paid on vacant possession being given by the State to the corporation, but if required by the corporation, vacant possession may be given of any part of Area 1, as and when available,

subject to payment by the corporation of the sum of $6,000 per acre on account of the purchase price. But irrespective, payment of the full purchase price for Area 1 shall be made as soon as vacant possession is given and the price ascertained.

Area 2 is dealt with in the next paragraph and indicates an agreement that an option of purchase, commencing from the date of execution of the agreement, will be granted for a period of seven years over Area 2. A similar option for a period of 10 years will be made available over Area 3.

Upon reference to the succeeding paragraphs members will see that, during the continuance of the respective options, the corporation is to be given a lease at a peppercorn rental with all rates and taxes being chargeable to the corporation during the term of the lease. If and when the relative options are exercised, the respective purchase prices for Areas 2 and 3 will be the calculated price per acre as prescribed in the formula.

The consideration for each of the options is a sum equal to the purchase price of the area concerned and is refundable to the corporation, together with the cost of approved improvements, if such options are not exercised. Repayment of the sum involved, if this should be necessary, and bearing interest at 6 per cent. per annum computed from the date the option expires, will be made over a period of three years, the State reserving the right to pay the balance owing at any time within this period. Roads within the boundaries of the three areas are to be closed and the road reservations added to the areas in which they lie.

The Kwinana industrial area possesses many desirable features and there are essential reasons for the refinery being established on a carefully selected and planned site within the complex.

For instance, about 1,400 tons of sulphate of ammonia will be produced as a byproduct of the refining process, the principal markets for which will be outside the State. This is a marginal proposition—and therefore the avoidance of rail freight is of vital concern—which can only be implemented by the refinery being located within close proximity to the Fremantle Port Authority's new wharf.

The particular manufacturing procedure employed—and about which I shall make some later reference—will use large quantities of both ammonia and sulphuric acid. Both are produced by industries in adjoining areas, permitting a reduction in costs by piping from the suppliers.

Cooling water and the efficient and sanitary disposal of the effluent from the refining process can be dealt with in the district. Members will recall my having outlined in some detail the disposal schemes in reply to inquiries made during the Address-in-Reply debate. I shall make some further brief reference to this, however, at a later stage.

Whilst, conceivably, it may have been possible for the consolidation of the site under one ownership to be achieved by the corporation by private negotiation, with each of the individual owners, it is quite possible—if not more than likely—that considerable delays would have taken place with some of the acquisitions had there been recourse to such procedure. The position could well have arisen whereby a handful of landholders could hold out for exorbitant prices, or flatly refuse to sell at any price. This would have delayed or prevented the establishment of an industry which will benefit the community generally and the economy of the State.

Delays could also have arisen out of private sector land dealings by complications such as absentee owners or involvement in deceased estates.

Clause 7 of the agreement deals with disposal of refinery residues and it is agreed that disposal from the refinery process will be conveyed by means of a pipeline to areas acquired by the State and made available to the corporation by purchase or lease within a radius of six miles from the refinery site. The work associated with the route to be followed and the laying of the pipeline will be carried out by the State at the corporation's expense.

Ammonia will be the principal chemical for disposal. A series of conferences has been held between the corporation and appropriate Government departments having responsibilities in this field of operations, with a view to ensuring that the groundwater does not become contaminated or the air polluted.

The depositing of residues will be carried out as a landfilling project. The land concerned will eventually be made suitable for industrial purposes and the interests of third parties protected as far as possible.

It is agreed that the corporation provide and pay for the maintenance of its own railway rolling stock, other than locomotives. Haulage of the nickel products from Kalgoorlie and the corporation's fuel oil requirements to Kalgoorlie will be done by the State railways at the prescribed freight rate less 10 per cent. in accordance with similar practices in other cases.

The Government has given an undertaking to use its best endeavours to supply water to the corporation at Kambalda in such quantities and on such terms and conditions as are mutually agreed upon from time to time. The corporation has agreed to make a substantial contribution to the capital cost. Final details of the contribution and related matters remain to be settled as beween the Government and the company.

I would like to point out also that access by the State and third parties to the mineral leases and to the town established by the corporation at Kambalda is ensured, subject to no interference with mining operations.

Finally, I would mention some details with respect to the $45,000,000 refinery and the process which is envisaged. As mentioned earlier, the refinery is to be designed to produce 15,000 tons of nickel metal per annum. To produce such metal, it is proposed to use a process developed by Sherritt Gordon Mines Ltd. of Canada—a process which is used in that company's works at Saskatchewan, where it recovers nickel, copper, and cobalt.

The process is described technically as a hydrometallurgical one involving the use of ammonia and hydrogen to separate the metal. This process results automatically in the production of ammonium sulphate as a byproduct and this nitrogenous fertiliser has not as yet been manufactured in Western Australia. It is estimated that the Kwinana refinery will produce 140,000 tons of ammonium sulphate annually. The ammonia to be used in the process is produced locally by K.N.C. and CSBP and Farmers Ltd. at Kwinana.

Usually, nickel concentrates are smelted in a furnace and a nickel matte, which can contain up to 75 per cent. of nickel metal is obtained. Such matte is then treated by electrolysis to produce 99.9 per cent. pure nickel.

In the Sherritt Gordon process, the metals are leached from the concentrate by means of an ammonia solution, using heat and pressure. Hydrogen is then used to precipitate the nickel metal. The refinery will treat not only the natural mineral concentrate but also the artificial mattes produced by a smelter.

I may have mentioned earlier that the corporation undertakes to continue current investigations into the feasibility of establishing a smelter at Kambalda or Kalgoorlie to produce nickel matte, and when it considers the establishment of such a smelter to be economically feasible, it will notify the Government and proceed with construction.

Smelting on the spot could be of great benefit to the corporation once its nickel operations are fully established. It would enable the treatment of the large quantities of lower grade ore, which usually exist with all large metal ore bodies, and which otherwise would be uneconomic to produce.

Upon the completion of the refinery, the corporation will increase its 470-man work force at Kambalda to approximately 950 men in the refinery. The project is thus one of great magnitude and a valuable addition to the State's industrial complex.

The corporation undertakes, as far as reasonably and economically possible, to use local labour. Preference will be given to *bona fide* Western Australian manufacturers and contractors as far as is possible in the placement of orders—other things being equal—thus ensuring that opportunity be given to the local operators to tender or quote when tenders are being called or contracts let.

Other usual provisions, such as power to extend periods or dates referred to in the agreement, arbitration in the event of disputes, determination of the agreement should default by the corporation occur in regard to the due performance of its operations and covenants, effects of determination on land leases, *force majeure*, etc., are included.

The nickel project is one of great importance to the State. It diversifies our production by adding nickel metal and ammonium sulphate to an increasing list of exports. It provides increased employment, particularly in the goldfields area, and it will add to the State's Consolidated Revenue by way of royalty payments, in addition to the indirect benefits resulting from the establishment of a large industrial operation.

Mr. President, I would like to add further that I think the Western Mining Corporation should be congratulated on its growth and the manner in which it has developed this project. I know a number of members have had the opportunity to go to Kambalda and consequently have been able to see for themselves just what has taken place there, over the last 12 or 18 months, or so. It is a well-planned town and is situated in an ideal spot overlooking the lake. It is really quite a beautiful spectacle. Personally I am delighted we are able to present the Bill for ratification by Parliament.

With the intensity of the rate of exploration and prospecting which is going on in the area, it now seems certain that other discoveries of nickel will be made; in fact a number of smaller discoveries have already been made. The activity in the area has been intense and is becoming even more intense with the result that, as Minister for Mines, I found the only logical thing to do was not to grant any more temporary reserve applications in the area, but to leave it open for the pegging of normal titles under the Mining Act. This has resulted in a great surge of activity in the field of pegging mineral claims, both in regard to my own office and in regard to the number of companies and individuals who have joined in the search.

Finally I would like to say that when my colleague, the Minister for Industrial Development, introduced the measure in another place he undertook to table a plan showing the relative positions of the

BP refinery, K.N.C., CSBP fertilisers, the Western Mining Corporation nickel refinery, C.I.G., and the Fremantle Port Authority jetty which serves CSBP. I ask your permission, Sir, to table the plan, because it sets out for members to see the situation in regard to these industries as one is related to the other.

Included in the papers which I have with me are plan A and plan B which cover leases and the refinery site. I have also the production chart of the industrial complex. I ask permission to table a copy of the improvement plan, No. 3, which shows in addition to other areas incorporated in the plan, those areas which are numbered 1, 2, and 3 and referred to in the Nickel Refinery (Western Mining Corporation Limited) Agreement Bill. I request that the papers be tabled for the period the Bill is before the Legislative Council—until the completion of the third reading stage.

The papers were tabled.

Debate adjourned, on motion by The Hon. W. F. Willesee (Leader of the Opposition).

HOUSING ADVANCES (CONTRACTS WITH INFANTS) BILL

Second Reading

Debate resumed from the 12th September.

THE HON. W. F. WILLESEE (North-East Metropolitan—Leader of the Opposition) [8.15 p.m.]: This is another housing Bill which represents an endeavour to facilitate the purchase of homes by persons who have attained the age of 18 years. Although the measure has this objective and will assist people of a tender age to enter into contracts of a most important kind, I doubt whether the proposals in the Bill are sufficiently comprehensive to give a clear understanding of all that is intended.

When introducing the measure the Minister stated that the decision to introduce such legislation had emanated from a request by the Commonwealth Attorney-General, on behalf of the Commonwealth Banking Corporation, at an Attorney-General's conference. The request was that this legislation be introduced to facilitate negotiation of contracts by those who have attained the age of 18 years.

The definition "lending authority" encompasses all those organisations which will be empowered to advance money in accordance with the provisions of the Bill. There are not many such organisations listed and in that respect the measure does not have a close relationship, as one might expect, with the Housing Loan Guarantee Act which, in subsection (1) of section 5 has a comprehensive list of all those organisations which can become approved lending authorities under that Act.

The suggestion that it is a modern tendency to marry younger is not denied, but the grounds put forward for the presentation of the Bill—namely, that both spouses after marrying at a young age continue to work—makes me wonder whether this social question is being taken out of context.

The Bill could be supported in the manner suggested by the Minister when he introduced it; but conversely, is it a good thing that young wives have to continue to work after they are married? Is it a good thing that families may have to be deferred because of such a situation, or be denied the direct attention of their mothers which they would enjoy were it not for such circumstances? So if it is a modern tendency for couples to marry at a younger age than they did previously, I think this is occasioned more by necessity than by desire to marry on such a basis.

To purchase a home is an important decision for any couple to make in their lifetime, and I would hesitate to take the view that we should suggest that a young couple should purchase a home almost as soon as they marry. I do not intend to oppose the Bill on that ground, but I sincerely doubt whether the principle contained in the measure is soundly based in a manner that will benefit any young married couple. I hope it does, but there is the great possibility that as a result of such money being made easily available, the amount of capital involved and the long years of repayment may be beyond the contractual capacity of a young couple after they sign their names to the contract.

Although the Bill is short, in some respects I consider it is loosely drawn, having regard to the emphasis placed on the ultimate administration of the contracts.

On page (2) of the Bill, clause 3 (2) (b) reads—

> To repudiate any contract, transfer, conveyance or assignment relating to any property charged by the mortgage or other instrument.

Although the word "repudiate" is used, I do not see any penalty prescribed at the end of the clause. I think the provision could be improved if some sort of penalty were provided should the principles upon which the contract is drawn be not observed.

On page 3 of the Bill, clause 4(a) reads—

> shall state the date of the birth of the infant who executed it;

The infant may state the date of his birth, but there is no provision for any support of such a statement. So if the date of birth given was not correct, to what extent

would this affect the validity of the contract entered into? If the clause was supported by a provision stipulating that a birth certificate was necessary, I am inclined to think it would be more sound.

Then again, what provision, or safeguard, do we have in the measure that the house, when purchased, will be used in accordance with the principles laid down in the Bill? In other words, will the party concerned live in the house as the occupier, or would he, because of the looseness of the drafting of the legislation, tend to take advantage of it and obtain money which he could put to what he thinks would be better advantage? That is problematical, but as I view the legislation it does not seem to be as tight as one would expect when dealing with contracts, including those which are the subject of the Bill.

However, having made that statement it would be futile to deny the availability of money in this particular form which will present an opportunity to a young person to purchase a home. However, although what I have said represents only minor criticism of the Bill, I think the Minister might review the proposals in regard to their practicability in everyday commercial life so that when the legislation is put into effect it will be completely efficient.

Debate adjourned, on motion by The Hon. V. J. Ferry.

House adjourned at 8.29 p.m.

Legislative Assembly

Tuesday, the 17th September, 1968

THE SPEAKER (Mr. Guthrie) took the Chair at 4.30 p.m., and read prayers.

SWEARING-IN OF MEMBER

THE SPEAKER (Mr. Guthrie): I am prepared to swear-in Mr. Maurice Clifford Williams, the member for Bunbury.

The honourable member took and subscribed the Oath of Allegiance and signed the roll.

QUESTIONS (12): ON NOTICE

POLICE OFFICERS

Housing

1. Mr. MITCHELL asked the Minister for Police:
   (1) Does his department come within the scope of the Government Employees' Housing Authority Act?
   (2) If "No," would he give the reason why?
   (3) Is he aware that the housing problem of police officers is serious?
   (4) Are steps being taken to provide houses for this important section of Government employees?

Mr. O'CONNOR (for Mr. Craig) replied:

(1) and (2) Negotiations are currently in progress with the Government Employees' Housing Authority regarding houses occupied by police in country districts.

(3) Yes.

(4) The sum of $100,000 has been made available for the provision of police houses in country areas.

TRAFFIC

Underage Driving

2. Mr. CASH asked the Minister for Police:
   (1) What is the minimum age at which a person can license a motor vehicle?
   (2) How many instances of underage driving have been recorded by his department in the last five years?
   (3) In how many instances have the underage drivers owned the vehicles in which the underage driving offence was committed?
   (4) How serious is the problem of—
      (a) the underage owner-driver;
      (b) the underage driver using a vehicle with the knowledge of the owner;
      (c) the underage driver using a vehicle without the knowledge of the owner?
   (5) Under what circumstances can an underage driver be in control of a motor vehicle?

Mr. O'CONNOR (for Mr. Craig) replied:

(1) There are no restrictions in the Traffic Act regarding the age of the owner of a motor vehicle.

(2) This information is not readily available, but the following convictions were recorded in the Children's Court, Perth, for the offence of driving a motor vehicle whilst not being in possession of the appropriate license—

January-December 1966	175
January-December 1967	123
1968 to the end of August	95

These would have included all persons under the age of 18 years, not necessarily those under the age at which a driver's license may be issued.

(3) Not known.